

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Diana Murray	Team: Team # 2	CCRB Case #: 201208417	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/27/2012 12:20 AM	Location of Incident: § 87(2)(b); 23rd Precinct stationhouse	Precinct: 23	18 Mo. SOL 12/27/2013	EO SOL 12/27/2013	
Date/Time CV Reported Wed, 06/27/2012 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/02/2012 12:19 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Ricketts	26627	946162	023 PCT
2. LT Emile Provencher	00000	918182	023 PCT
3. SGT David Mcqueen	02904	880060	023 PCT
4. LT Christophe Schmidt	00000	907284	PBMN TF
5. POM Nelson Quinones	06999	903200	023 PCT
6. POF Kristy Abbasciano	00131	933589	023 PCT
7. An officer			
8. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Steven Dippolito	12994	903809	PBMN TF
2. POM George Annarella	13728	934406	023 PCT
3. POM Victor Charles	06096	941538	023 PCT
4. POM Fermin Pichardo	06784	942352	023 PCT
5. SGT Walter Butler	00379	927991	023 PCT
6. LT Robert Conwell	00000	925115	023 PCT
7. POM John Irizarry	28975	904191	023 PCT
8. POM Jonathan Goenner	15852	941821	023 PCT
9. POM Brian Kovall	00651	942023	023 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nelson Quinones	Discourtesy: PO Nelson Quinones spoke discourteously to § 87(2)(b) and § 87(2)(b) in front of § 87(2)(b) in Manhattan.	

Officer(s)	Allegation	Investigator Recommendation
B.POM Nelson Quinones	Force: PO Nelson Quinones used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.	
C.LT Emile Provencher	Force: Lt. Emile Provencher used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.	
D.POM Nelson Quinones	Abuse: PO Nelson Quinones damaged § 87(2)(b)'s property in front of § 87(2)(b) in Manhattan.	
E.LT Emile Provencher	Abuse: Lt. Emile Provencher damaged § 87(2)(b)'s property in front of § 87(2)(b) in Manhattan.	
F.LT Emile Provencher	Force: Lt. Emile Provencher used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.	
G.POM Michael Ricketts	Force: PO Michael Ricketts used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.	
H.POM Michael Ricketts	Discourtesy: PO Michael Ricketts spoke discourteously to § 87(2)(b) in front of § 87(2)(b) in Manhattan.	
I.POF Kristy Abbasciano	Discourtesy: PO Kristy Abbasciano spoke discourteously to § 87(2)(b) in front of § 87(2)(b) in Manhattan.	
J.POF Kristy Abbasciano	Force: PO Kristy Abbasciano used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.	
K.SGT David Mcqueen	Force: Sgt. David Mcqueen used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.	
L.LT Christophe Schmidt	Force: Lt. Christopher Schmidt used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.	
M.LT Christophe Schmidt	Discourtesy: Lt. Christopher Schmidt spoke discourteously to § 87(2)(b) and § 87(2)(b) in the vicinity of § 87(2)(b) and at the 23rd Precinct stationhouse.	
N. Officers	Force: Officers used physical force against § 87(2)(b) at the 23rd Precinct stationhouse.	
O. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) at the 23rd Precinct stationhouse.	
P. An officer	Force: An officer used a chokehold against § 87(2)(b) at the 23rd Precinct stationhouse.	
Q.POF Kristy Abbasciano	Abuse: PO Kristy Abbasciano threatened § 87(2)(b) with the use of force at the 23rd Precinct stationhouse.	

## Case Summary

On June 27, 2012, § 87(2)(b) § 87(2)(b) filed this complaint with the Internal Affairs Bureau (IAB) via phone, generating IAB log 12-34205 (Enc. D1 – D2). This case was received at the CCRB on July 2, 2012 (Enc. E1 – E4).

On July 27, 2012, at 12:20 a.m., while in front of § 87(2)(b) § 87(2)(b) in Manhattan, 23<sup>rd</sup> Precinct Anti-Crime Officers arrested § 87(2)(b) § 87(2)(b) § 87(2)(b). The following allegations resulted:

- **Allegation A: Discourtesy – PO Nelson Quinones spoke discourteously to § 87(2)(b) and § 87(2)(b) in front of § 87(2)(b) in Manhattan.**
- **Allegation D: Abuse of Authority – PO Nelson Quinones damaged § 87(2)(b)'s property in front of § 87(2)(b) in Manhattan.**
- **Allegation E: Abuse of Authority – Lt. Emile Provencher damaged § 87(2)(b)'s property in front of § 87(2)(b) in Manhattan.**
- **Allegation F: Force – Lt. Emile Provencher used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.**
- **Allegation G: Force – PO Michael Ricketts used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.**
- **Allegation H: Discourtesy – PO Michael Ricketts spoke discourteously to § 87(2)(b) in front of § 87(2)(b) in Manhattan.**
- **Allegation I: Discourtesy – PO Kristy Abbasciano spoke discourteously to § 87(2)(b) in front of § 87(2)(b) in Manhattan.**
- **Allegation J: Force – PO Kristy Abbasciano used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.**
- **Allegation M: Discourtesy – Lt. Christopher Schmidt spoke discourteously to § 87(2)(b) and § 87(2)(b) in the vicinity of § 87(2)(b) and at the 23rd Precinct stationhouse.**
- **Allegation Q: Abuse of Authority – PO Kristy Abbasciano threatened § 87(2)(b) with the use of force at the 23rd Precinct stationhouse.**  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)
- **Allegation B: Force – PO Nelson Quinones used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.**
- **Allegation C: Force - Lt. Emile Provencher used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.**  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)
- **Allegation K: Force – Sgt. David McQueen used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.**  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)
- **Allegation L: Force – Lt. Christopher Schmidt used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.**  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

- **Allegation N: Force – Officers used physical force against § 87(2)(b) at the 23rd Precinct stationhouse.**
- **Allegation O: Discourtesy – An officer spoke discourteously to § 87(2)(b) at the 23rd Precinct stationhouse.**
- **Allegation P: Force – An officer used a chokehold against § 87(2)(b) at the 23rd Precinct stationhouse.**

§ 87(2)(b), § 87(2)(g)

### **Results of Investigation**

#### **Civilian Statements**

##### **Victim:** § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of this incident. She is a 5'2" tall, 130-pound Hispanic woman with brown hair and brown eyes.
- § 87(2)(b) is familiar with § 87(2)(b) § 87(2)(b) because § 87(2)(b)'s mother-in-law is friends with § 87(2)(b) § 87(2)(b) mother. § 87(2)(b) did not know § 87(2)(b) by name, and § 87(2)(b) was identified via investigation as the only female arrested at the incident location at the time of this incident.

##### **Video Evidence**

§ 87(2)(b) provided two short videos, each approximately 40 seconds long, which she obtained from an unnamed friend's iPhone camera. The first video depicts § 87(2)(b) directly after his arrest, being escorted to the police vehicle. He does not appear to have facial injuries or redness at this time. § 87(2)(b) is also being escorted to the transport vehicle by PO Quinones and Lt. Provencher. § 87(2)(b) is screaming in the background, "Let him fucking go!" in regard to the arrest of § 87(2)(b). § 87(2)(b) is also seen screaming obscenities in Lt. Provencher's face. This video does not capture any allegations of police misconduct.

The second video, appearing to have been filmed minutes later, depicts approximately four to six civilians weaving in and out of the large crowd of approximately 30 to 45 officers conducting crowd control. The individual filming is yelling, "Excessive force! Excessive force! Cops hitting pregnant girls for no reason!" § 87(2)(b) is also seen yelling into the camera and into the faces of numerous officers about her and her associates being struck by officers. At the conclusion of the second video, § 87(2)(b) is seen walking away from Lt. Schmidt with his back turned to him. Lt. Schmidt then followed § 87(2)(b) a couple paces, and § 87(2)(b) turned his body to face Lt. Schmidt with his hands by his sides. Lt. Schmidt can be seen punching § 87(2)(b) in the face with a closed fist. The occurrences right before and after the use of force are indiscernible. (Enc. L5 – L8 – Detailed summary of both videos).

##### **NYPD Arrest Photo**

§ 87(2)(b)'s arrest photo does not depict any visible facial injuries (Enc. M1).

##### **Statements to Medical Personnel**

§ 87(2)(b) informed medical personnel that she was assaulted by members of the NYPD. She stated that she hit her abdomen on the floor while being arrested § 87(2)(b) (Enc. K1 – K2).

### CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on August 1, 2012 (Enc. L1 – L10).

On June 27, 2012, at approximately 12:20 a.m., § 87(2)(b) was gathered with a group of individuals in front of the New York City Housing Authority (NYCHA) Development, Jefferson Houses, located at § 87(2)(b) in Manhattan. § 87(2)(b) was with her boyfriend, § 87(2)(b), § 87(2)(b)'s brothers, § 87(2)(b) and § 87(2)(b) a friend of § 87(2)(b)s, § 87(2)(b) a.k.a. § 87(2)(b) and approximately four or more other unnamed friends. § 87(2)(b) was not drinking or using recreational drugs, as she was pregnant at the time of this incident, and refrained from speculating on the groups' alcohol or drug use.

§ 87(2)(b) and § 87(2)(b) began to enter § 87(2)(b) to use the bathroom when they observed a yellow cab, later identified as an unmarked police vehicle, stop in front of the building. PO Nelson Quinones, identified via investigation, and described as a 5'9" tall, husky plainclothes white male in his early 40s yelled to § 87(2)(b) from the driver's seat, "Do not open the fucking door!" § 87(2)(b) proceeded to open the door and enter the building. PO Michael Ricketts, identified via investigation and described as a 5'11" tall black male in his mid-30s was in the passenger seat, and Lt. Emile Provencher, identified via investigation and described as a 5'7" tall, heavy white male with salt and pepper hair in his mid-40s was in the backseat.

The officers approached and PO Quinones and PO Ricketts grabbed § 87(2)(b)s arms and placed him against the wall. While being handcuffed, § 87(2)(b) continuously turned to face the officers, and PO Quinones leveraged his weight against § 87(2)(b) and slammed his head against the brick wall one time. § 87(2)(b) did not observe any visible physical injuries as a result of this action. The officers accused § 87(2)(b) of having marijuana, and Lt. Provencher retrieved a bag of marijuana from a nearby heap of trash.

While § 87(2)(b) was being handcuffed, § 87(2)(b) approached PO Quinones and asked for his badge number. With one hand on § 87(2)(b) PO Quinones used his other hand to display his shield, which was hanging around his neck, and stated to § 87(2)(b) "You got it, now get the fuck out of here." § 87(2)(b) began following the officers down the steps while recording on his cellphone. § 87(2)(b) asked a second time for PO Quinones' shield number, and PO Quinones pushed past § 87(2)(b) and stated, "Get the fuck out of here." § 87(2)(b) replied, "Don't fucking push me, I just want your badge number. What is your badge number?" § 87(2)(b) also began recording the incident on her cell phone while following the officers. PO Quinones slapped the phone out of § 87(2)(b)s hand, causing it to fall to the ground. Lt. Provencher handcuffed § 87(2)(b) and the three officers then led § 87(2)(b) and § 87(2)(b) to the yellow cab.

§ 87(2)(b) stood next to Lt. Provencher as he was guiding § 87(2)(b) and began recording their conversation. Lt. Provencher then smacked her phone to the ground and dug his foot into it, cracking the screen. As a result of this incident, § 87(2)(b)s phone and § 87(2)(b)s phone were damaged and did not preserve the video evidence. § 87(2)(b) was on the ground, attempting to pry her phone out from under Lt. Provencher's heel, when Lt. Provencher leaned down and struck § 87(2)(b) on the left side of her face with his right closed fist a single time. As Lt. Provencher struck § 87(2)(b) he was in a full standing position and holding onto § 87(2)(b) with his left arm. § 87(2)(b) who had been kneeling on the ground at the time, fell backward but did not sustain visible physical injuries.

§ 87(2)(b) began screaming and acting hysterical. A large crowd gathered but did not physically interfere or yell at the officers. § 87(2)(b) did not hear the officers speak to the crowd either. Approximately three to four marked RMPs arrived at the location. Lt. Chris Schmidt identified via investigation and described as a 5'11, tall uniformed white male with a white shirt and black hair, arrived at the location but the officers physically prevented § 87(2)(b) from speaking to him.

Sgt. David McQueen, identified by § 87(2)(b) who provided his last name and described him as a 6'0" tall, bald uniformed black male officer with glasses, continually told § 87(2)(b) to back up. PO Kristy Abbasciano, identified via investigation and described as a 5'7" tall, slim, white female with

blonde hair in her 30s was also telling § 87(2)(b) to back up. PO Abbasciano bumped her chest into § 87(2)(b) in an aggressive manner at least three times while simultaneously stating, “Get the fuck back.” In response, § 87(2)(b) kept backing up, and replied, “I’m pregnant, you need to stop.” PO Abbasciano then pushed § 87(2)(b) with both of her hands in § 87(2)(b)’s chest area approximately three times.

§ 87(2)(b) and § 87(2)(b) were following § 87(2)(b) as she walked around and attempted to get Lt. Schmidt’s attention. § 87(2)(b) with the Charlottens in toe, eventually got within speaking distance of Lt. Schmidt, and informed him that an officer had punched her in the face. Lt. Schmidt replied, “Take the punch and get the fuck out of here.” Lt. Schmidt then struck § 87(2)(b) in the face while § 87(2)(b) had her back turned § 87(2)(b) was informed of this via the video footage). Prior to this occurring, § 87(2)(b) did not hear any exchange between § 87(2)(b) and Lt. Schmidt, as she had only turned her back for less than five seconds.

Sgt. McQueen, using only one hand, picked § 87(2)(b) off of the ground by the back of her neck raised her upward, then slammed her onto the ground where she made contact back-first. PO Abbasciano assisted in handcuffing § 87(2)(b) and in the process, further slammed her face down onto the ground. § 87(2)(b) did not flail her limbs or prevent the officers from handcuffing her in anyway. § 87(2)(b) verbally protested her arrest, and PO Abbasciano responded, “Shut the fuck up, if you want to act like an animal we are going to treat you like an animal.” § 87(2)(b) resisted PO Abbasciano’s attempts to brace her face-first against a vehicle while reiterating that she was pregnant. PO Abbasciano responded, “Oh you think you are the first fucking person to be pregnant and get arrested? Well you’re not. You disrespect one of us, you disrespect all of us.”

After being arrested § 87(2)(a) 160.50 § 87(2)(b) was taken to the 23<sup>rd</sup> Precinct stationhouse. She observed Lt. Schmidt at the stationhouse and he was laughing at § 87(2)(b) who was injured. § 87(2)(b) was removed from his holding cell by a 5’11” tall, uniformed white male in his 30s with black hair, and a 5’6” tall, husky white male with black hair in his 20s. § 87(2)(b) observed an officer put black gloves on his hands prior to entering the stationhouse bathroom with § 87(2)(b). § 87(2)(b) heard what sounded like a physical struggle in the bathroom.

§ 87(2)(b) began making noise to get an officers attention. PO Abbasciano entered the cell area and asked why § 87(2)(b) was making noise. She also stated, “If you don’t shut up, I am going to tase you and have you in the psychiatric ward for three days.” The officers and § 87(2)(b) exited the bathroom. While in front of § 87(2)(b)’s cell, one of the officers began choking § 87(2)(b) by grabbing his neck with his right hand. § 87(2)(b) could not approximate how long the officer grabbed § 87(2)(b)’s neck.

Upon being released from police custody, § 87(2)(b) received medical treatment from § 87(2)(b) for pain and contusions to her wrists. She did not allege visible physical injuries or abdominal pain; however, her medical records document an abdomen contusion.

**Victim:** § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of this incident. He is a 5’10” tall, 180-pound, Hispanic man with short black hair and hazel eyes.

**NYPD Arrest Photo**

§ 87(2)(b)’s arrest photo depicts redness and abrasions on the right side of his forehead (Enc. J1).

**Statements to Medical Personnel**

§ 87(2)(b) informed medical personnel that he was assaulted by the NYPD § 87(2)(b) while he was in jail (Enc. G1 – G2).

**CCRB Statement**

§ 87(2)(b) provided a phone statement to the CCRB on July 12, 2012 (Enc. H1), and was interviewed at the CCRB on August 1, 2012 (Enc. I1 – I5). § 87(2)(g)

At the time of this incident, § 87(2)(b) acknowledged drinking Hennessy. PO Quinones drove the yellow cab up to the building and shouted at § 87(2)(b) “Don’t fucking open the door.” PO Quinones and Lt. Provencher threw § 87(2)(b) against the wall face-first (Based on the video footage, the investigation determined that PO Quinones and PO Ricketts were interacting with § 87(2)(b) as § 87(2)(b) alleged). § 87(2)(b) who was recording the incident, approached PO Quinones and asked for his badge number. PO Quinones flashed his shield and stated, “Here you go, now get the fuck out of my face.” § 87(2)(b) did not see the badge number and requested it a second time. PO Quinones slapped § 87(2)(b)’s phone out of his hand, causing it to fly through the air and break. PO Ricketts then handcuffed § 87(2)(b) (The investigation determined, based on the video footage, that Lt. Provencher handcuffed § 87(2)(b). § 87(2)(b) began recording the incident on her cell phone, and Lt. Provencher slapped the phone from her hand and stomped on it, causing it to break. When she bent down to retrieve the phone, Lt. Provencher punched her in her face, causing a crowd to gather.

§ 87(2)(b) contended that he was compliant throughout this incident, but acknowledged resisting PO Ricketts attempts to place him into the transport vehicle, as § 87(2)(b) had just been punched and he was trying to tell PO Ricketts about it. Officers were shoving § 87(2)(b) and § 87(2)(b) into the RMP at the same time, causing them to become entangled in each other. PO Ricketts then reached around and punched § 87(2)(b) in the face near his left lower lip, causing him to sustain a laceration.

During his phone statement, § 87(2)(b) contended that he heard Lt. Schmidt state, “Eat it and shut up,” in reference to § 87(2)(b)’s complaint that she was punched by an officer. He also stated that he observed Lt. Schmidt punch § 87(2)(b) and stomp on § 87(2)(b)’s leg; however, during his in person statement, he conceded that he was in the RMP by this time and did not witness any of the aforementioned firsthand.

§ 87(2)(b) and § 87(2)(b) were inadvertently locked in the RMP, causing § 87(2)(b) to scream at the officers through the glass. PO Ricketts yelled at § 87(2)(b) through the glass, “Shut the fuck up.” The vehicle was eventually unlocked and an unidentified 6’1” tall, uniformed stocky white male, and an unidentified 5’7” tall, stocky uniformed white male, transported him and § 87(2)(b) to the stationhouse.

While at the stationhouse, § 87(2)(b) heard Lt. Schmidt state to § 87(2)(b) “Haha that’s why you got your ass whipped. That’s good for you. Look at your face.” § 87(2)(b) interjected, “Why are you making fun of my brother? Shut the fuck up.” One of § 87(2)(b)’s transporting officers twisted the chain of his handcuffs, causing the handcuffs to tighten and contusions to form on his wrists. § 87(2)(b) acknowledged arguing with his transporting officers, who then brought him into a nearby bathroom. One of the officers put baseball gloves on his hands, un-handcuffed § 87(2)(b) and began to provoke him to strike the officers. Both officers punched § 87(2)(b) for approximately five minutes, but he did not fight back. The strikes landed on § 87(2)(b)’s forehead, face and ribs. One of the officers, he did not see who, slammed his head against a wall and stated, “You had enough? You want to shut the fuck up now? You think you’re tough because you’re from the projects?”

The officers exited the bathroom with § 87(2)(b) and one of the officers grabbed § 87(2)(b)’s neck with one hand and choked him. While being choked, § 87(2)(b) called the officer a “pussy,” but also conceded that his breathing was restricted. § 87(2)(b) was unable to approximate how long the officer choked him. During his CCRB statement, § 87(2)(b) retracted his initial statement and indicated he was inside of the bathroom with the door closed when he choked, not outside of the bathroom.

**Complainant/Witness:** § 87(2)(b) § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of this incident. She is a Hispanic female.
- § 87(2)(b) was uncertain of the identities of the victims, though she mentioned that they all

*live in the housing complex and are of Puerto Rican descent.*

### **Phone Statement**

§ 87(2)(b) provided a phone statement to the CCRB on July 6, 2012 (Enc. F1), but was uncooperative in providing an in-person statement. From her § 87(2)(b) floor bedroom window, § 87(2)(b) witnessed a plainclothes white male officer “push around” § 87(2)(b) PO Abbasciano pushed § 87(2)(b) to keep her away from § 87(2)(b) Lt. Schmidt punched a male in the face, seemingly unprovoked, and then elbowed him in the face. Everyone was subsequently arrested.

On July 6, 2012, § 87(2)(b) provided a phone statement but declined to schedule an appointment at that time, noting that she would call back to do so. On July 11, 2012, § 87(2)(b) scheduled an appointment for August 1, 2012, but missed the appointment and a letter was sent on this same day. Two attempts to contact § 87(2)(b) after her missed appointment resulted in a message left with a family member and a hang up. As of the writing of this report, § 87(2)(b) has failed to contact the CCRB.

### **Additional Arrest Photos**

§ 87(2)(b)'s arrest photo depicts facial abrasions on his forehead and the right side of his face (Enc. N1). § 87(2)(b)'s arrest photo was unavailable by the CCRB's Monitoring and Analysis System (MAS). § 87(2)(b)'s arrest photo does not depict visible facial injuries (Enc. O1).

### **Attempts to Contact Civilians**

Between July 11, 2012, and April 11, 2013, various attempts were made to contact § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) to obtain their statements for the investigation. § 87(2)(b), § 87(2)(g) § 87(2)(b) and § 87(2)(b) failed to honor their scheduled appointments, and contact could not be established with § 87(2)(b) after numerous attempts.

### **NYPD Statements:**

#### **Subject Officer: LT. EMILE PROVENCHER**

- *Lt. Provencher was § 87(2)(b) old at the time of this incident. He is a 6'0" tall, 245-pound white man with brown hair and brown eyes.*
- *Lt. Provencher worked from 5:30 p.m. on June 26, 2012, to 2:15 a.m. on June 27, 2012, as a 23<sup>rd</sup> Precinct Anti-Crime Supervisor. He was assigned to an unmarked police vehicle, a yellow cab. He was working in plainclothes with PO Ricketts and PO Quinones.*

### **Memo Book**

At 12:45 a.m., § 87(2)(b) § 87(2)(b) was placed under arrest in front of § 87(2)(b) § 87(2)(b). § 87(2)(b), § 87(2)(b), and § 87(2)(b) § 87(2)(b) were placed under arrest § 87(2)(b). A request for an additional unit was transmitted. Lt. Provencher returned to the command at 1:00 a.m. (Enc. X1 – X3).

### **CCRB Statement**

Lt. Provencher was interviewed at the CCRB on May 30, 2013 (Enc. Y1 – Y3).

On June 27, 2012, at approximately 12:20 a.m., Lt. Provencher, PO Ricketts and PO Quinones observed § 87(2)(b) § 87(2)(b) who is a known marijuana dealer, carrying a black plastic bag near the entrance of § 87(2)(b) in Manhattan. Upon seeing the officers, § 87(2)(b) appeared frantic and started yanking on a nearby locked door, causing the officers to approach § 87(2)(b) to investigate. Lt.



Provencher did not recall an officer making the statement, “Don’t open that fucking door,” or whether any command was issued. § 87(2)(b) tossed the black bag into a heap of trash nearby. Lt. Provencher immediately recovered the bag and determined it to be a one pound bag of marijuana. § 87(2)(b) was handcuffed immediately without incident and without force being used. No officer shoved § 87(2)(b) against a wall or slammed his face into a barrier.

A large crowd, including § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) who were identified via investigation, surrounded the officers, yelled and cursed at the officers, and prevented them from walking § 87(2)(b) to the transport vehicle. Some members of the crowd, including § 87(2)(b) were clearly intoxicated and getting in officers’ faces. The crowd filmed the incident on their cell phones and no officer physically prevented them from doing so by slapping a phone out of an individual’s hand or stomping on a cell phone. In the midst of the chaos, Lt. Provencher was unable to recall any civilian asking PO Quinones for his badge number. He did not hear PO Quinones state, “Here you go, now get the fuck out of my face,” or, “Get the fuck out of here.” Lt. Provencher noted that all officers had their badges around their necks.

§ 87(2)(b) was especially obstructive in § 87(2)(b)’s arrest, as he got into the officers faces and deterred them from transporting § 87(2)(b). He was subsequently handcuffed, which further incited the crowd. § 87(2)(b) was also interfering with police business, as she was within inches of officers as they were arresting § 87(2)(b) and she appeared to be the main crowd instigator. The officers transmitted a request for an additional unit, as Lt. Provencher inadvertently dropped the bag of marijuana over a high fence and could not retrieve it, and the crowd continued to close in on the officers.

Lt. Provencher did not see any officer punch § 87(2)(b) in the face while struggling to get him into the transport vehicle, nor did he do so himself. He was unable to explain § 87(2)(b)’s injuries, as presented in his arrest photo. § 87(2)(b) and § 87(2)(b) were inadvertently locked into an RMP, during which time he was unable to recall their demeanor, or whether PO Ricketts yelled to them to, “Shut the fuck up.”

Lt. Provencher did not observe § 87(2)(b)’s arrest, nor did he see an officer use force against her. Lt. Provencher did not strike, chest-bump, or slam § 87(2)(b) onto the ground. Lt. Provencher did not hear an officer state, “Oh, you think you’re the first fucking person to be pregnant and get arrested,” or “Shut the fuck up, if you want to act like animal we’ll treat you like an animal.”

Lt. Chris Schmidt may have been present at the location, but Lt. Provencher did not see him engage in a physical interaction with a civilian. Lt. Provencher did not see a male arrestee lunge at Lt. Schmidt, and he did not see Lt. Schmidt strike a male civilian. He did not hear Lt. Schmidt state to § 87(2)(b) “take the punch and get the fuck out of here.”

Upon arriving at the stationhouse, Lt. Provencher observed the arrestees but did not interact with them. He did not state, or hear any other officer state, “That’s why you got your ass whipped,” or “If you don’t shut the fuck up I am going to tase you and have you in the psych ward for three days.” § 87(2)(b) was extremely boisterous and cursing at officers, but Lt. Provencher is unaware of what was done to calm him down. He did not observe an officer remove § 87(2)(b) from the cells, take him to the bathroom, or use any physical force against § 87(2)(b) at the stationhouse.

#### **Subject Officer: PO MICHAEL RICKETTS**

- *PO Ricketts was § 87(2)(b) old at the time of this incident. He is a 6’3” tall, 190-pound black man with short black hair and brown eyes.*
- *At the time of this incident, PO Ricketts was assigned to the Anti-Crime Team with Lt. Provencher.*

#### **Memo Book**

At 12:45 a.m., four arrests were made in front of § 87(2)(b). § 87(2)(b) was arrested § 87(2)(b). § 87(2)(b) had no injuries.

§ 87(2)(b) was arrested § 87(2)(a) 160.50 She is pregnant and requested medical attention. § 87(2)(b) was arrested § 87(2)(a) 160.50 He requested medical assistance for injury to leg and face. § 87(2)(b) was arrested § 87(2)(b) and requested medical attention for an injury to his face (Enc. S1 – S3).

### **Complaint Report, Arrest Reports, and Property Vouchers**

PO Ricketts prepared all arrest paperwork for § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) § 87(2)(b) (Enc. P1 – P16). § 87(2)(b) was arrested § 87(2)(b), and then attempted to flee. The complaint report noted that § 87(2)(b), § 87(2)(b) and § 87(2)(b) were acting disorderly by flailing their arms, pushing another officer, refusing to disperse and preventing a lawful arrest. The latter three were arrested § 87(2)(a) 160.50 Physical force is not noted on any of the four arrest reports. The bag of marijuana was vouchered. § 87(2)(b)'s cell phone was vouchered and it noted that the back of the phone casing was shattered.

### **Medical Treatment of Prisoner Reports**

Medical Treatment of Prisoner Reports were prepared for § 87(2)(b), § 87(2)(b), and § 87(2)(b) stating that they refused medical treatment (Enc. Q1 – Q3).

### **CCRB Statement**

PO Ricketts was interviewed at the CCRB on April 26, 2013 (Enc. T1 – T4). § 87(2)(g)

At the time of this incident, PO Quinones was in the driver's seat, Lt. Provencher in the passenger's seat and PO Ricketts was in the backseat. PO Ricketts confirmed Lt. Provencher's initial observations of § 87(2)(b) and the actions of the crowd. As § 87(2)(b) was being arrested, he did not resist but he was verbally denying ownership of the marijuana. PO Ricketts helped handcuff § 87(2)(b) by bracing him against a wall, but no officer slammed § 87(2)(b)'s head against the wall. PO Ricketts did not see any officer slap a cell phone from an individual's hand or stomp on a cell phone. Upon viewing the property voucher for § 87(2)(b)'s damaged cell phone, PO Ricketts contended that the damage could have been from anything, and he did not observe it occur firsthand.

PO Ricketts did not observe any officer punch, chest-bump or slam § 87(2)(b) to the ground, nor did he do so himself. PO Ricketts did not punch § 87(2)(b) in the face or observe another officer do so. PO Ricketts did not observe an officer use force against § 87(2)(b) or § 87(2)(b) and he is unaware of which officer handcuffed them. Upon viewing § 87(2)(b)'s injuries in his arrest photo, PO Ricketts was uncertain of how they were sustained. PO Ricketts did not observe Lt. Schmidt punch § 87(2)(b) and upon viewing the video evidence, he denied observing the force firsthand. PO Ricketts did not see § 87(2)(b) getting placed into handcuffs and is unaware of the context of his arrest.

PO Ricketts was unable to recall which officers transported all of the prisoners to the stationhouse. He confirmed that PO Abbasciano was present at the stationhouse after the arrests. PO Ricketts did not observe an officer tighten § 87(2)(b)'s handcuffs at the stationhouse. PO Ricketts escorted the prisoners before the desk sergeant and does not recall receiving assistance from two uniformed white males in placing them into the prisoner holding area. PO Ricketts did not observe or partake in a physical struggle with § 87(2)(b) at the stationhouse.

Three arrestees requested medical attention for minor scrapes and bruises, and § 87(2)(b) requested medical treatment because she was pregnant at the time of the incident. PO Ricketts denied observing how each prisoner's injuries were sustained.

When questioned about each discourteous statement alleged, PO Ricketts denied hearing any

officer use profanity toward any civilian either at the street location or at the stationhouse, and denied using profanity himself.

**Subject Officer: PO NELSON QUINONES**

- *PO Quinones was § 87(2)(b) old at the time of this incident. He is a 5'9" tall, 200-pound Hispanic man with grey and black hair and hazel eyes.*
- *At the time of this incident, PO Quinones was assigned to the Anti-Crime Team with Lt. Provencher.*

**Memo Book**

At 12:45 a.m., one male was stopped in front of § 87(2)(b). A request for an additional unit was transmitted. One female and two males were placed under arrest § 87(2)(a) 160.50

**CCRB Statement**

PO Quinones was interviewed at the CCRB on April 19, 2013 (Enc. BB1 – BB4). § 87(2)(g)

At the time of this incident, PO Quinones was driving the vehicle. He did not observe an officer slam § 87(2)(b)'s head against the wall, nor did he do so himself. § 87(2)(g)

PO Quinones did not recall a member of the crowd asking for his shield number, noting that he wears his shield around his neck in plain view.

Upon viewing the arrest photos of § 87(2)(b), § 87(2)(b) and § 87(2)(b) PO Quinones was unable to recall their presence or specific involvement in this incident. PO Quinones did not observe an officer slap a cell phone from any civilian's hands and stomp on it and he did not do so himself. PO Quinones did not see an officer use physical force to get § 87(2)(b) and § 87(2)(b) into the transport vehicle, and he did not punch § 87(2)(b) PO Quinones denied observing or partaking in any encounter involving § 87(2)(b) including her being punched, chest-bumped, or slammed to the ground. PO Quinones did not observe Lt. Schmidt punch § 87(2)(b) and upon viewing the video footage, PO Quinones denied witnessing this firsthand.

PO Quinones did not interact with any arrestee at the stationhouse. He did not see an officer tighten § 87(2)(b)'s handcuffs, nor did he see any physical struggle involving two uniformed officers and § 87(2)(b) at the stationhouse. When questioned about each discourteous statement alleged, PO Quinones denied hearing any officer use profanity toward any civilian either at the street location or at the stationhouse, and denied using profanity himself.

**Subject Officer: LT. CHRIS SCHMIDT**

- *Lt. Schmidt was § 87(2)(b) old at the time of this incident. He is a 6'0" tall, 200-pound white man with black hair and blue eyes.*
- *Lt. Schmidt worked from 6:30 p.m. on June 26, 2012, to 3:05 a.m. on June 27, 2012 as the Platoon Commander. He was in uniform and assigned to an unknown vehicle with PO Jeff Bobross.*

**Memo Book**

At 12:30 a.m., Lt. Schmidt responded to East 115<sup>th</sup> Street and 2<sup>nd</sup> Avenue, in Manhattan after receiving a request for an additional unit from a 23<sup>rd</sup> Precinct member of service. There was a large disorderly crowd at the location. § 87(2)(b) was arrested and the arrest was taken by PO Dippolito. § 87(2)(b) threatened Lt. Schmidt, "Yo nigga, I should punch you in the face." After threats, I used force on perpetrator to arrest him § 87(2)(b) I punched § 87(2)(b) and used force to take him to the ground and handcuff him

along with other officers. At 12:50 a.m., Lt. Schmidt was at the 23<sup>rd</sup> Precinct for arrest processing (Enc. DD1 – DD2).

### **CCRB Statement**

Lt. Schmidt was interviewed at the CCRB on May 25, 2013 (Enc. EE1 – EE4). § 87(2)(g)

Lt. Schmidt responded to a request for an additional unit and arrived to observe a large disorderly group of approximately 100 people who had exited two nearby NYCHA developments. The crowd was pouring into the street, blocking traffic, yelling insults, and preventing the 23<sup>rd</sup> Precinct Anti-Crime officers from escorting § 87(2)(b) and § 87(2)(b) to the transport vehicle. Lt. Schmidt did not see an officer slap a cell phone from an individual's hands or stomp on a cell phone. He did not see an individual get into PO Quinones' face and ask for his badge number or name.

At one point, the crowd began to calm down but was quickly reignited by § 87(2)(b) who refused to exit the street and was interfering with the officers' ability to control the arrestees. Lt. Schmidt observed an officer guide § 87(2)(b) to the sidewalk as she screamed, "I'm fucking pregnant! Get your fucking hands off of me." Lt. Schmidt did not recall observing § 87(2)(b) being handcuffed, nor did he observe any officer punch § 87(2)(b).

While Lt. Schmidt was conducting crowd control, he instructed § 87(2)(b) to get back onto the sidewalk. § 87(2)(b) turned to Lt. Schmidt and stated, "Yo nigga, I should punch you in the face," while simultaneously jumping or lunging toward him. § 87(2)(b) came very close to Lt. Schmidt, but did not make physical contact. Without making any additional statements, Lt. Schmidt used his left hand to punch § 87(2)(b) on the right side of his face. This caused a bout of chaos, and several officers who Lt. Schmidt does not know by name assisted Lt. Schmidt in brining § 87(2)(b) to the ground, where he continued to resist arrest by pushing off of the ground and tensing his body.

Upon viewing the video evidence of the above mentioned occurrence, Lt. Schmidt was asked whether he observed § 87(2)(b) lunging toward him. Lt. Schmidt indicated that it was "tough to say" after viewing the video footage, but contended that it did in fact occur. When asked whether Lt. Schmidt wished to add or amend his prior statements, he replied, "No, just, he was in very close proximity to me, he made a direct threat, and, uh, I wasn't going to let him get the first punch in. And I will say that to anyone who wants to listen."

While at the 23<sup>rd</sup> Precinct stationhouse, § 87(2)(b) continued to "run his mouth" and call Lt. Schmidt a "nigga" and the officers "bitches" in front of the desk officer. Lt. Schmidt did not recall observing § 87(2)(b) at the stationhouse, nor did he observe a physical altercation involving § 87(2)(b). When questioned about each discourteous statement alleged, Lt. Schmidt denied hearing any officer use profanity toward any civilian either at the street location or at the stationhouse, and denied using profanity himself.

### **Subject Officer: PO KRISTY ABBASCIANO**

- *PO Abbasciano was § 87(2)(b) old at the time of this incident. She is a 5'10" tall, 160-pound white female with brown hair and hazel eyes.*
- *PO Abbasciano worked from 11:15 p.m. on June 26, 2012, to 7:50 a.m. on June 27, 2012, as a 23<sup>rd</sup> Precinct Patrol for sectors C, F, and I. She was working with PO Brian Kovall, in uniform, and assigned to marked RMP 5355.*

### **Memo Book**

At 12:30 a.m., PO Abbasciano responded to a request for an additional unit called by the 23<sup>rd</sup> Precinct Anti-Crime Team at East 115<sup>th</sup> Street and 2<sup>nd</sup> Avenue, in Manhattan. At 12:40 a.m., PO Abbasciano resumed patrol (Enc. GG1 – GG3).

### **CCRB Statement**

PO Abbasciano was interviewed at the CCRB on May 16, 2012 (Enc. HH1 – HH3). [REDACTED]

§ 87(2)(g)

Upon arriving, Lt. Provencher instructed PO Abbasciano to assist with crowd control, as the large crowd was interfering with the officers affecting the arrest of two males. She did not observe any officer swat cell phones out of civilians' hands or stomp on them. PO Abbasciano did not recall a member of the crowd getting into PO Quinone's face to request his name and shield number.

PO Abbasciano was unable to recall notable instances of specific members of the crowd. She did not recall the presence or a conversation about a female arrestee being pregnant. Given that PO Abbasciano was conducting crowd control, she likely interacted with numerous females, but does not specifically recall making physical contact with any female civilians at the incident location. She did not recall pushing or chest bumping any female at the location. Upon viewing the video evidence, PO Abbasciano pointed out that her hands were by her sides the entire time she was interacting with [REDACTED]. She did not observe either a female or male arrestee get punched in the face by an officer.

Lt. Chris Schmidt was also conducting crowd control when he was approached by [REDACTED] and [REDACTED]. [REDACTED] spit at Lt. Schmidt and [REDACTED] swung a closed fist at Lt. Schmidt. Lt. Schmidt subsequently attempted to push [REDACTED] away from him. PO Abbasciano did not recall observing Lt. Schmidt punch [REDACTED] in the face. During the presentation of video evidence, PO Abbasciano confirmed that she was standing directly behind Lt. Schmidt as he punched [REDACTED] but she did not see Lt. Schmidt punch [REDACTED] at the time of this incident, as she was focused on [REDACTED]. She contended that [REDACTED] attempted to punch Lt. Schmidt and [REDACTED] spat at Lt. Schmidt after the video cut out.

A member of the crowd slid over the front end of a nearby RMP, landing very close to Lt. Schmidt. PO Abbasciano did not recall hearing any threats of force made by a male civilian. Chaos ensued, resulting in a pile of officers trying to pull the civilians off of Lt. Schmidt, and the civilians trying to pull the officers off of the other civilians. PO Abbasciano fell on the ground, hit her head, lost her radio, and her gun belt became broken. She had a bruise on her hip for six weeks as a result.

PO Abbasciano did not affect the arrest of any civilian involved in this incident. She did not recall returning to the stationhouse until around 4 a.m., as noted in her memo book. Thus, she was unable to provide a statement about any allegations made at the stationhouse. When questioned about each discourteous statement alleged, PO Abbasciano denied hearing any officer use profanity toward any civilian either at the street location or at the stationhouse, and denied using profanity herself.

### **Witness Officers: PO JOHN IRIZARRY and PO JONATHAN GOENNER**

- *PO Irizarry was [REDACTED] old at the time of this incident. He is a 5'7" tall, 217-pound, bald white man with brown eyes.*
- *PO Goenner was [REDACTED] old at the time of this incident. He is a 5'8" tall, 180-pound white man with blond hair and blue eyes.*
- *PO Irizarry and PO Goenner worked from 11:15 p.m. on June 26, 2012, to 7:50 a.m. June 27, 2012, as 23<sup>rd</sup> Precinct Patrolmen for sectors E and H. They were in uniform and assigned to RMP 1968.*

### **Memo Books**

PO Irizarry and PO Goenner have the same memo book entries (Enc. II1 – II; LL1 – LL3). At 12:32 a.m., they responded to a request for an additional unit at East 115<sup>th</sup> Street and 2<sup>nd</sup> Avenue. At 12:55 a.m., they transported two males to the 23<sup>rd</sup> Precinct stationhouse for the 23<sup>rd</sup> Precinct Anti-Crime Team, and resumed patrol at 1:12 a.m.

### **CCRB Statements**

PO Irizarry was interviewed at the CCRB on May 14, 2013 (Enc. MM1 – MM3), and PO Goenner was interviewed at the CCRB on May 31, 2013 (Enc. JJ1 – JJ3). § 87(2)(g)

At the time of this incident, the officers conducted crowd control. They did not observe officers use force, including punching, slamming, or chest-bumping, against any civilian. They did not hear an officer use profanity toward any civilian.

PO Ricketts requested that the officers transport § 87(2)(b) and § 87(2)(b) to the 23<sup>rd</sup> Precinct stationhouse, and the arrestees were subsequently placed into the back of their RMP by an unknown officer. Upon viewing their arrest photos, neither officer was able to say definitively whether they were the arrestees that they transported to the stationhouse. Neither officer recalled any physical struggle or incident with either arrestee during the transport. The RMP was inadvertently locked, while it was running, with § 87(2)(b) and § 87(2)(b) inside. The officers were unable to recall the arrestees' demeanor at this time, and they did not recall PO Ricketts speaking to the arrestees while they were locked inside.

The officers transported § 87(2)(b) and § 87(2)(b) to the 23<sup>rd</sup> Precinct stationhouse. They did not complain of injuries or have visible physical injuries. No officer tightened § 87(2)(b)'s handcuffs while entering the stationhouse. Both officers noted the arrestees were generally compliant, and no issues arose at the stationhouse. PO Goenner and PO Irizarry escorted the arrestees before the desk sergeant and then relinquished custody of them to an unknown officer, possibly a 23<sup>rd</sup> Precinct Anti-Crime Officer. PO Irizarry and PO Goenner spent approximately 1 to 12 minute(s) at the stationhouse, during which time they did not enter the prisoner holding pen or holding pen bathroom.

Neither officer witnessed a verbal argument between officers and § 87(2)(b) or § 87(2)(b) at the stationhouse. PO Irizarry and PO Goenner did not use force against § 87(2)(b) and did not punch, strike, slam, or choke him. When questioned about each discourteous statement alleged, PO Irizarry and PO Goenner denied hearing any officer use profanity toward any civilian either at the street location or at the stationhouse, and denied using profanity themselves.

### **Officers Not Interviewed**

Sgt. David McQueen, a subject in this investigation, was not interviewed as he retired from the NYPD prior to this case being closed. On June 14, 2013, the 23<sup>rd</sup> Precinct confirmed that Sgt. McQueen retired from the service on January 31, 2013.

### **Medical Records**

§ 87(2)(b) and § 87(2)(b) were treated at § 87(2)(b) on § 87(2)(b). § 87(2)(b) complained of pain to the left side of her body, abdomen, and head. She was diagnosed with a contusion to her abdominal wall (Enc. PP1 – PP28). § 87(2)(b) complained of a headache, jaw pain, and left wrist pain. His medical records noted abrasions to the right side of his forehead. A CAT scan of his brain and facial bones ruled out fractures. He was diagnosed with an "assault by other specified means" (Enc. QQ1 – QQ30).

### **NYPD Documents**

#### **OLBS Report for § 87(2)(b)**

PO Steven Dippolito was assigned § 87(2)(b)'s arrest paperwork (Enc. V1 – V3). He was arrested § 87(2)(a) 160.50. PO Dippolito noted that § 87(2)(b) was acting loudly and tumultuously in the middle of 2<sup>nd</sup> Avenue in response to one of his associates being arrested by 23<sup>rd</sup> Precinct Anti-Crime Personnel. He threatened Lt. Schmidt by stating, "Fuck you nigga, I'm gonna punch you in the face,"

while in close proximity to Lt. Schmidt. He was taken to the ground where he was handcuffed and refused to comply as he struggled with officers to avoid being handcuffed. Physical force was used to restrain, control, or remove § 87(2)(b)

### **SPRINT Report**

SPRINT Report § 87(2)(b) was generated as a result of this incident (Enc. RR1 – RR6). At 12:32 a.m., the 23<sup>rd</sup> Precinct Anti-Crime team made one arrest. Within five minutes, a 23<sup>rd</sup> Precinct sergeant, 23<sup>rd</sup> Precinct Patrol Sector A, a 23<sup>rd</sup> Precinct lieutenant, and a Housing Sector arrived at the location pursuant to a radio run of an officer in need of assistance. At 12:41 a.m., the Anti-Crime Team had two individuals locked inside of RMP 1968. At 1:12 a.m., four additional individuals were placed under arrest.

### **Roll Call and Daily Vehicle Assignment Sheet**

PO Quinones, PO Ricketts, and Lt. Provencher were assigned to Anti-Crime and Robbery Auto and working in the unmarked yellow cab, RMP 4308. PO Irizarry and PO Goenner were assigned to 23<sup>rd</sup> Precinct Patrol Sectors E and H and were working in RMP 1968 (the RMP that became locked with two individuals inside according to the SPRINT report). PO Abbasciano and PO Kovall were assigned to 23<sup>rd</sup> Precinct Patrol Sectors C, F, and I and were working in RMP 5355. Sgt. David McQueen was working as a Patrol Supervisor with PO George Annarella in RMP 5631. There was not an officer assigned to the Prisoner Holding Pen at the time of this incident (Enc. SS1 – SS7).

### **Command Log**

PO Dippolito logged § 87(2)(b) into the command log at 1 a.m. His condition was listed as apparently normal, and a marginal note indicated that he received EMS treatment at the stationhouse at 1:10 a.m. Lt. Schmidt was listed as the supervisor verifying his arrest. PO Ricketts entered § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) into the command log at 1 a.m. and all of their conditions are listed as apparently normal. § 87(2)(b), § 87(2)(b), and § 87(2)(b) were all treated by EMS at the stationhouse and refused further medical attention. There were no notations regarding the extent or type of injuries for which the four arrestees were treated (Enc. TT1 – TT2).

### **Prisoner Holding Pen Roster**

PO Ricketts guarded § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) when they entered into the command log at 1 a.m. until they were transported to Manhattan Central Booking (MCB) at 8:40 a.m. § 87(2)(b) was guarded by PO Dippolito until he was transported to MCB at 3 a.m. PO Keno Chambers of the 23<sup>rd</sup> Precinct, who is a black male, is the only other officer who had prisoners in the holding pen at the time of this incident (Enc. UU1 – UU2).

### **Arrest for Incident and Disposition:** (Enc. WW1 – WW7)

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

### **Status of Civil Proceedings**

- § 87(2)(b), § 87(2)(b) and § 87(2)(b) filed a Notice of Claim with the City of New York on an unknown date. They are claiming excessive force, emotional and physical damages, and § 87(2)(b) cited damages to her pregnancy. They are seeking one million dollars each as redress (Enc.

**Civilians Criminal History:** (Enc. WW8 – WW63)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]

## Civilian CCRB History

- This is the first CCRB complaint involving § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) (Enc. C1 – C6).

**Subject Officers CCRB History** (Enc. B1 – B8)

- PO Ricketts, PO Quinones, and PO Abbasciano have been members of the service for five years, 19 years, and nine years, respectively, and there are no substantiated CCRB allegations against them.
- Lt. Provencher has been a member of the service for 16 years and there are four substantiated CCRB allegations against him:
  - In CCRB case number 200409155, the CCRB substantiated stop and question, retaliatory arrest, and search allegations against Lt. Provencher and recommended Charges. In February 2006, the NYPD instituted Instructions.
  - In CCRB case number 201004558, the CCRB substantiated a word allegation against Lt. Provencher and recommended Charges. In September 2011, the NYPD instituted Instructions.
- Lt. Schmidt has been a member of the service for 19 years and there are two substantiated CCRB allegations against him:
  - In CCRB case number 200202279, the CCRB substantiated stop and question and frisk or search allegations against Lt. Schmidt and recommended Charges. In August 2003, the NYPD instituted a Command Discipline B.
- Sgt. McQueen has been a member of the service for an unknown amount of years before retiring. During his tenure, there were four substantiated CCRB allegations against him:



- In CCRB case number 200106568, the CCRB substantiated force and retaliatory arrest allegations against Sgt. McQueen and recommended Charges. In December 2004, the NYPD determined he was not guilty during the course of a Departmental Trial.
- In CCRB case number 200717115, the CCRB substantiated refusal to provide name and shield and refusal to process a civilian complaint allegations against Sgt. McQueen and the CCRB recommended Charges. In May 2009, the NYPD instituted a Command Discipline B for Sgt. McQueen's refusal to process a civilian complaint, and Instructions for his refusal to provide his name and shield.

## Conclusion

### Identification of Subject Officers

§ 87(2)(b), § 87(2)(g)

With the exception of Sgt. McQueen who has retired, each officer confirmed their position in the vehicle or acknowledged their presence, as depicted in the video footage. § 87(2)(g)

Although PO Abbasciano did not outwardly acknowledge her interaction with § 87(2)(b) either at the street location or the stationhouse, the video evidence depicts her interacting with § 87(2)(b) at the street location, and PO Ricketts confirmed that she was present at the stationhouse after the arrests occurred. § 87(2)(g)

§ 87(2)(b) alleged that he was assaulted at the stationhouse by the two officers who transported him. He described these officers as a 6'1" tall, stocky white male and a 5'7" tall stocky white male. § 87(2)(b) described the officers as a 5'11" tall, white male in his 30s with black hair, and a 5'6" tall, stocky white male in his 20s with black hair. The SPRINT report and roll call identified PO Goenner and PO Irizarry as the officer who transported § 87(2)(b) and they confirmed this during their CCRB statements. However, PO Goenner is a § 87(2)(b)-old, 5'8" tall, 180-pound white male with very light blonde hair and blue eyes (Enc. KK1), and PO Irizarry is a § 87(2)(b)-old, 5'7" tall, 217-pound, bald white male (Enc. NN1). § 87(2)(b), § 87(2)(g)

### Allegations Not Pleaded

PO Quinones and Lt. Provencher allegedly slapped cell phones from the hands of § 87(2)(b) and § 87(2)(b) resulting in property damage to both cell phones. § 87(2)(g)

§ 87(2)(b) alleged that he asked for PO Quinone's badge number two times, and after showing it to him the second time, PO Quinones stated, "You got it, now get the fuck out of here." § 87(2)(g)

§ 87(2)(b) alleged that one of his transporting officers twisted the chain of his handcuffs, causing them to tighten around his wrists. § 87(2)(g)

### **Investigative Findings and Recommendations**

**Allegation A: Discourtesy – PO Nelson Quinones spoke discourteously to § 87(2)(b) and § 87(2)(b) in front of § 87(2)(b) in Manhattan.**

**Allegation D: Abuse of Authority – PO Nelson Quinones damaged § 87(2)(b)'s property in front of § 87(2)(b) in Manhattan.**

**Allegation E: Abuse of Authority – Lt. Emile Provencher damaged § 87(2)(b)'s property in front of § 87(2)(b) in Manhattan.**

**Allegation H: Discourtesy – PO Michael Ricketts spoke discourteously to § 87(2)(b) in front of § 87(2)(b) in Manhattan.**

**Allegation I: Discourtesy – PO Kristy Abbasciano spoke discourteously to § 87(2)(b) in front of § 87(2)(b) in Manhattan.**

**Allegation M: Discourtesy – Lt. Christopher Schmidt spoke discourteously to § 87(2)(b) and § 87(2)(b) in the vicinity of § 87(2)(b) and at the 23rd Precinct stationhouse.**

**Allegation Q: Abuse of Authority – PO Kristy Abbasciano threatened § 87(2)(b) with the use of force at the 23rd Precinct stationhouse.**

Collectively, § 87(2)(b) and § 87(2)(b) alleged that PO Quinones stated, “Do not open the fucking door,” to § 87(2)(b) and “Get the fuck out of here,” two times in response to § 87(2)(b)'s request for his badge number. They alleged that PO Quinones and Lt. Provencher slapped the cell phones from their hands, causing them to break. § 87(2)(b) alleged that PO Ricketts stated, “Shut the fuck up” to him. § 87(2)(b) alleged that PO Abbasciano told her to “get the fuck back,” “Shut the fuck up, if you want to act like an animal we are going to treat you like an animal,” “You think you’re the first fucking pregnant person to be arrested?” and “If you don’t shut up, I am going to tase you and have you in the psychiatric ward for three days.” She alleged that Lt. Schmidt told her to “take the punch and get the fuck out of here.” § 87(2)(b) alleged that he heard Lt. Schmidt state to § 87(2)(b) “That’s why you got your ass whipped.” Aside from “Do not open the fucking door,” and “get the fuck out of here,” no discourteous statements were confirmed between § 87(2)(b) and § 87(2)(b). Each officer interviewed denied making or witnessing the aforementioned statements.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g) The video footage did not portray an officer using discourteous language or slapping a cell phone from an individual’s hand. § 87(2)(b), § 87(2)(g)

**Allegation B: Force – PO Nelson Quinones used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.**

**Allegation C: Force - Lt. Emile Provencher used physical force against § 87(2)(b) in front of § 87(2)(b) in Manhattan.**

§ 87(2)(b) and § 87(2)(b) alleged that officers threw § 87(2)(b) face-first against a brick wall, causing his head to make contact with the wall prior to handcuffing him. § 87(2)(b) acknowledged that, while being handcuffed, § 87(2)(b) continually turned his body to face the officers. § 87(2)(b), § 87(2)(g)



§ 87(2)(b), § 87(2)(g)

The video evidence does not capture the entirety of their interaction or any of the preceding conversation.

§ 87(2)(b), § 87(2)(g)

**Allegation N: Force – Officers used physical force against § 87(2)(b) at the 23rd Precinct stationhouse.**

**Allegation O: Discourtesy – An officer spoke discourteously to § 87(2)(b) at the 23rd Precinct stationhouse.**

**Allegation P: Force – An officer used a chokehold against § 87(2)(b) at the 23rd Precinct stationhouse.**

§ 87(2)(b), § 87(2)(g)

Team: 2

Investigator:	_____	<u>Diana P. Murray</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date